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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,544	07/09/2003	Thomas Reichenberger	DT-6565	2805

30377 7590 06/16/2005

DAVID TOREN, ESQ.  
SIDLEY, AUSTIN, BROWN & WOOD, LLP  
787 SEVENTH AVENUE  
NEW YORK, NY 10019-6018

EXAMINER
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WILLIAMS, JAMILA O

ART UNIT	PAPER NUMBER
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3722

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/616,544

Applicant(s)

REICHENBERGER ET AL.

Examiner

Jamila O. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on APPLICATION FILED JULY 9, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11-12-03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 9 is objected to because of the following informalities: In lines 2 and 3 of the claim there appears to be a typographical error, after two –upright post (5)—should be inserted; in line 3 delete “stand” and insert –said upright post--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 74 32 872 to Cadonati (on ids). Cadonati discloses a drill stand having a post plate (1) and a vacuum plate (16, which includes vacuum means 19) which are securable with each other (via column 3) and displaceable along column member (3). Cadonati discloses a locking bolt (11) for securing the post and vacuum plates. The post plate has an elongated opening for the locking bolt (11) to extend (fig 1,3).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by DE 100 64 173 to Rothenberger (on ids). Rothenberger discloses a drill stand for a core drilling machine (fig 1) including a base plate formed of a vacuum plate (plate 1 includes

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chamber for vacuum 4) and a post plate (9,10) securable with each other (via post means 7) and having the possibility of displacement (along the post 7). Rothenberger further discloses having attachment means for securing the post means on the post plate (5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,7,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over 3,596,558 to Rydell in view of 4,468,159 to Oster and further in view of 5,165,827 to Miller. Rydell discloses a drill stand for a drilling machine (although a core drilling bit is not disclosed the drill is inherently capable of use with an annular core bit). The drill stand of Rydell includes a base plate formed of a first and second plate (13,15). Plate 15 supports the post (27) via upper plate 24. Plates (13,15) are displaceable relative to each other by sliding back and forth on ways (14). Rydell does not however disclose attaching the plate (13) by means of a vacuum, as recited in claim 1 or the use of a boxed air level on the post plate, as recited in claims 7-8. Oster teaches having a drill stand with a vacuum means (suction cup 40) for securing the stand to the work surface. it would have been obvious to one having ordinary skill in the art that the time the invention was made to use the vacuum means of Oster with the base plate of Rydell for

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the purpose of securely attaching the plate to the work surface. Miller teaches having a boxed air level (bubble level 49) attached to the base plate of a drill stand. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the level of Miller with the post plate of Rydell for the purpose of assuring that the base is leveled.

### ***Allowable Subject Matter***

Claims 4-6,9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and correcting the above mentioned objections (i.e. claim 9).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O. Williams whose telephone number is 571-272-4431. The examiner can normally be reached on Mon-Fri 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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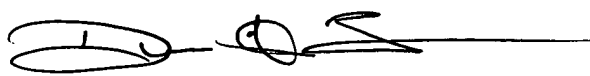


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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A handwritten signature in black ink, appearing to read 'D. Banks', followed by a horizontal line.

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700